

## Tennessee Board of Medical Examiners Development Committee Monday May 10, 2021

## **MINUTES**

The Development Committee meeting of the Tennessee Board of Medical Examiners was called to order at 1:00 p.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Stephen Loyd, Committee Chair.

Committee members present Stephen Loyd, MD, Committee Chair

Melanie Blake, MD W. Reeves Johnson, MD Neal Beckford, MD Deborah Christiansen, MD

Mr. Robert Ellis, Consumer Member

Staff present: Rene Saunders, MD, Medical Consultant, BME

Angela Lawrence, BME Executive Director Francine Baca-Chavez, Deputy General Counsel

The meeting was called to order by Dr. Loyd with a roll call of members and staff present. Having determined a quorum with four of the five members present Dr. Loyd opened the meeting with the first agenda item regarding the Telemedicine Taskforce. Dr. Christiansen was voted to lead this taskforce at the last meeting and discussions were delayed at that time to see if any legislation would be passed concerning telehealth. No new legislation was introduced that would change current requirements. Discussion were held concerning the purpose of the site visit, how does the physician figure out the percentage of charts to sign and where is the insurance industry on this issue. After a lengthy discussion the Committee is asking the Telemedicine Taskforce to review the current rules, define the "practice site" and requirements of the supervising physician concerning collaboration with mid-levels. Dr. Loyd stated he would look into inviting someone from TennCare to meet with the Committee/Taskforce. Ms. Baca-Chavez agreed to look at what other state are doing. Dr. Johnson mentioned reaching out to Dr. Ulmer, a physician from South Carolina with the AAFP to also address the topic. The members of the Telemedicine Taskforce are Dr. Christiansen, chair, Mr. Ellis, and Dr. McLerran.

The second agenda item was to discuss and act regarding the Sexual Misconduct Policy. The Committee reviewed the current policy in their materials. Dr. Saunders informed the points from the last meeting concerning this topic to look at the underlining of this only applying to physician and patient. Could it also apply to an employee? Ms. Baca-Chaves also mentioned the AMA code of ethics being referred to during cases. Dr. Barron addressed the Committee concerning his participation in writing the policy on Professional Sexual Misconduct with Federation of State Medical Boards (FSMB), which was ratified in April of 2020. He also spoke about the calls received at the Tennessee Medical Foundation concerning this

matter. After discussion the Committee decided to review the FSMB policy and compare it to the current Board policy at the next meeting.

The third agenda item was to discuss and act regarding the disciplinary grid for improper prescribing. Dr. Loyd felt like a discussion is needed concerning improper prescribing and the layers involved. Dr. Loyd suggest that at a minimum discipline would be probation, CME requirements and some follow up to check for compliance. Mr. Silvus addressed the Committee and agreed that there are concerns about improper prescribing being call over prescribing as well as the time it takes to hear cases. He also said a grid could be helpful, but it depends on the case. Mr. Silvus suggest establishing some policies that cover improper prescribing to maintain consistency. After a lengthy discussion it was requested that the 2019 taskforce members chaired by Dr. Hale to look at constructing a policy regarding the prescriptive guidelines and minimum discipline for prescribing controlled substances II through V rather than just schedule II and III opioids.

The fourth agenda item was to discuss and act regarding the first Offense DUI. Dr. Baron shared with the Committee some statistics he researched concerning this topic and lobbies for any first offense DUI licensee to have an evaluation by the Tennessee Medical Foundation (TMF). After discussion, the Committee decided to recommend the Board issue a letter of warning to a licensee recommending them to contact the TMF whenever information is received concerning their first offense DUI.

The fifth agenda item was to discuss and act regarding the Medical Ethics Policy. Dr. Blake opened the discussion with looking at the current policy in comparison to the AMA Principles of Medical Ethics. After discussion the Committee decided to recommend the Board accept the updated AMA Principles of Medical Ethics as the Boards Policy.

The sixth and final agenda item was to discuss and act regarding the timeline for completion of requirements in disciplinary orders. Dr. Loyd talked about contested cases and how timelines for the licensee to complete the requirements should be included in Board Orders, as well as, identifying what the checks and balances are to ensure they are completed. After discussion the Committee decided that when orders come before the Board, timelines can be added, and Ms. Baca-Chavez will inform the attorney's they can include the discussion of adding timelines during closing arguments.

There was no public comment and the meeting adjourned at 3:55 pm.